

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 26, 2011**

**TO:** Honorable David Dewhurst, Lieutenant Governor, Senate

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: SB100** by Van de Putte (Relating to the adoption of voting procedures necessary to implement the federal Military and Overseas Voter Empowerment Act.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would provide voting procedures to implement the federal Military and Overseas Voter Empowerment (MOVE) Act.

The bill would require for each Federal Postcard Application (FPCA) registrant accepted to vote, a notation be made beside the voter's name on the early voting poll list and early voting roster indicating that the voter is an FPCA registrant. The early voting clerk would be required to note on the early voting by mail roster each e-mail of a ballot.

The Secretary of State (SOS) would be designated to provide information regarding voter registration procedures and absentee ballot procedures, including procedures related to the federal write-in absentee ballot, to be used by persons eligible to vote under the federal Uniformed and Overseas Citizens Absentee Voting Act.

SOS in coordination with local election officials would be required to implement an electronic free-access system by which certain persons eligible for early voting by mail may determine that their application and ballot have been received.

The bill would allow certain voters to request from early voting clerks e-mail transmission of balloting materials and the clerk would be required to ensure that a voter's e-mail address is excluded from public disclosure.

The Secretary of State (SOS) would be required to prescribe procedures for the retransmission of balloting materials following an unsuccessful transmission of the materials to a voter. SOS would also be required to create a tracking system under which an Federal Postcard Application registrant may determine whether a voted ballot has been received by the early voting clerk. In addition, SOS would be required to prescribe certain procedures and would be allowed to adopt rules for the implementation of this legislation. SOS would also be allowed to provide an alternate secure method of electronic ballot transmission. In addition, the bill would change various election related dates.

The clerks would be required to include in a jacket envelope a copy of the voter's federal postcard application and the signature cover sheet if the ballot is voted.

The early voting board would be required to keep a record of the number of rejected ballots. The board would also be required to make a notation on the carrier envelope of any ballot that was rejected after the carrier envelope was opened and include the reason the envelope was opened and the ballot was rejected. If the ballot was transmitted by e-mail, the presiding judge would be required to provide the notice of rejected ballot to the e-mail address to which the ballot was sent.

The bill would repeal Sections 41.0052(a-1) of the Election Code, 11.056(e) and 130.825(e) of the

Education Code, 285.131(g) of the Health and Safety Code, and 63.0945(f) of the Water Code related to election dates.

It is anticipated that any costs associated with implementation of the legislation could be absorbed within existing resources.

### **Local Government Impact**

The bill would allow a member of the armed services currently serving overseas to request balloting materials electronically and return the ballot by physical mail. Costs to counties would vary depending on the number of military personnel serving overseas who wish to vote.

Tarrant County Elections Administration reported estimated annual costs of \$136,000 associated with these provisions to print, collate, staple and package multi-page paper ballots (\$66,000); pay additional staff (\$50,400); and pay for increased overtime for current staff \$20,000).

The bill would also allow a general-law municipality whose governing body members serve one or three years or staggered terms to change the length of service to two years or hold elections for all members in a single election. This would likely provide a savings to counties which would vary depending on current practices and whether or not a given county opted to adopt the change.

**Source Agencies:** 307 Secretary of State

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